



SouthDakota

Legislative Research Council

Rules Review Committee Agenda

Senator Mike Vehle, Chair
Representative Timothy Johns, Vice Chair

Three hundred fifty-fourth meeting
Monday
December 14, 2015

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Location:

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 109
Rapid City, South Dakota

**Agencies are asked to have a representative present at the meeting
to give background information on their rules.**

8:00 a.m. CT Call to order, roll call, approval of minutes, and staff report
7:00 a.m. MT

Review of proposed rules

Senator Vehle

Department of Game, Fish and Parks – Amend a Park License and Trail Use Pass rule to increase the fee for a 7-day Custer State Park entrance license from \$15 to \$20, and increase the one-day fee for a motor vehicle in Custer State Park that does not have a park entrance license from \$15 to \$20; amend a Camping Permits and Rules rule to provide for an additional \$2 reservation fee for a reservation made through the telephone call center applicable to both South Dakota residents and non-residents; amend a George S. Mickelson Trail Use Service Fees rule to increase the daily trail user pass fee from \$3 to \$4; amend a Motorboats and Watercraft rule to increase the annual fees for licensing motorboats and watercraft as follows: non-motorized boats over 12 ft. and boats propelled solely by electric trolling motors from \$12.50 to \$15, motorboats under 19 ft. from \$20 to \$25, and motorboats 19 ft. and over from \$40 to \$45; amend a Spring Wild Turkey Hunting Season rule to amend the resident and nonresident "male turkey" license numbers for the Prairie Units, establish a new unit (Unit 16A) for Campbell and Walworth counties, and change the county designation of Unit PST-65A from Shannon County to Oglala Lakota County; amend a Custer State Park Spring Wild Turkey Hunting Season rule to set the "male turkey" licenses numbers; and amend a Waterfowl Hunting Seasons (Spring Light Goose Conservation Order) rule to adjust the start date of the Conservation Order from opening statewide for 79 consecutive days beginning on the 106th day from the Saturday closest to November 1 to being open statewide for

79 consecutive days beginning the day following closure of Unit 2 of the goose hunting season.

Department of Game, Fish and Parks – Amend a License Forms and Fees rule to authorize the department to sell license lists to repeat applicants under certain circumstances without the necessity of seeking prior approval of the GFP Commission.

Department of Transportation – Amend Speed Limits rules on State Highway 253 through the town of Hosmer in Edmunds County beginning 9 miles North of the junction with U.S. Highway 12, the limit is 45 mph west for 0.24 mile, then 25 mph for 0.68 mile through the town of Hosmer, then 45 mph for an additional 0.2 mile west; amend a rule in Lake County on State Trunk Highway 34 in the city of Madison by reducing the maximum speed from 50 mph to 30 mph from its intersection with Washington Avenue then East for 0.17 mile, and then from 65 mph to 55 mph an additional 1.05 miles west; and a rule in Moody County on State Trunk Highway 32 (Pipestone Avenue) in the city of Flandreau, to increase from 35 mph to 45 mph step down speed zones entering and exiting Flandreau in order to provide consistent 20 mph increments on State Trunk Highway 32 through Flandreau.

Senator Heineman

Bureau of Human Resources – Amend State Employee Benefits rules to change the appeal process for an adverse determination or claims denial; eliminate preexisting conditions from eligibility in the state employee health benefit plan; and provide an application deadline for employees who were not previously eligible to apply for state employee health benefits and life benefit without showing proof of insurability.

Department of Labor and Regulation: Division of Unemployment Insurance – Amend rules to allow domestic employers the option of paying state unemployment contributions (UC) annually instead of paying quarterly.

Department of Labor and Regulation: South Dakota Athletic Commission – Amend rules to increase the number of days required between approval of an event and the date of the event, clarify existing rules regarding the requirements of promoters to provide certain equipment at an event, increase the minimum fee for an approved event, clarify existing rules regarding accepted medical documentation for contestants, clarify the requirements for meeting certain promoter requirements in advance of an event, increase the number of days allowed for final reports and fees to be submitted by the promoter, require a security plan to be provided by a promoter prior to an event, increase the number of rounds a referee may officiate in one contest, increase the time period allowed for weigh-ins prior to an event, and clarify responsibilities of the Commission's designee.

Representative Hunhoff

Department Health: Division of Health Systems Development and Regulation – Amend rules to allow additional participants in the Rural Healthcare Facility Recruitment Assistance Program, update references regarding treatment protocols for the State Trauma Care System, and streamline the trauma transport plan process.

Department of Health: Board of Medical and Osteopathic Examiners – Amend rules to provide criteria for training a first responder in the use of opioid antagonists, provide the requirements for physicians who issue standing orders authorizing first responders to

possess opioid antagonists, and provide the requirements for protocols and procedures related to opioid antagonists.

Department of Social Services: Board of Examiners for Counselors and Marriage and Family Therapists – Amend rules to repeal unnecessary rules, implement a fee to process license verifications and duplicate renewal cards, increase license and renewal license fees for marriage and family therapists, align language to be consistent with statutory language, clarify supervisor and exam requirements, and update the Code of Ethics to the most recent version.

Representative Johns

Department of Education: Board of Education – Amend Certification rules to provide additional and consistent options for secondary career and technical education (CTE) teachers to become certified to teach CTE courses; amend Accreditation and School Improvement rules to clean up language and eliminate the requirement that a student taking a high school course from a qualified teacher before grade nine pass a state-approved assessment before credit can be awarded, which will allow a school district to determine if the student has met the same criteria required for credit to be awarded to high school students in the district and require the acceptance of credit for summer courses taken from an accredited school system documentation and notice of any decision that the credits do not meet graduation requirements; and amend Public School Accountability System rules to update certain components of the accountability system to provide a more in-depth measure of public school performance.

Office of the Attorney General – Amend a rule to provide a juvenile cited violation ticket for use by law enforcement pursuant to SDCL § 26-7A-126.

Office of Attorney General: SD Law Enforcement Officers Standards and Training Commission – Amend rules to prohibit temporary or probationary non-certified law enforcement officers from working in any enforcement capacities until they successfully complete the state firearms course and receive instruction from their agency on their agency's use of force or response to resistance policy; add an additional specific area of training that law enforcement officers must complete as part of their continuing education requirements; and allow physician's assistants and nurse practitioners to conduct examinations of 911 Telecommunicator applicants.

Senator Bradford

Department of Labor and Regulation: Appraiser Certification Program – Amend rules to add requirement for email address, if available, to the application for supervisory appraisers; change "state of domicile" to "home state" ("or any other jurisdiction"), where applicable, on the applications for certified or licensed appraisers that move to the state and temporary practice; remove the term "summary or self-contained" from experience requirements for state-certified residential and state-certified general appraisers; add a required comma to educational requirements for state-licensed appraisers; adopt the 2016-2017 Edition of the Uniform Standards of Professional Appraisal Practice; require appraisers to retain "all" not just "any" written reports; and include grounds for disciplinary action against those not certified, licensed or registered who perform an appraisal review requiring the services of an accredited appraiser.

Department of Revenue: Commission on Gaming – Amend rules to authorize a variation of Mississippi Stud poker and create a new variation of poker known as Flushes Gone Wild.

Department of Revenue: Division of Property and Special Taxes – Amend rules to update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property.

Department of Revenue: South Dakota Lottery Commission – Amend a rule to allow the Powerball game to institute a jackpot management plan.

Representative Gibson

Department of Environment and Natural Resources: Drinking Water Program – Amend Fluoridation of Water Supplies rules to reduce the required fluoride level and cleanup outdated language; and amend Bottled Water Quality rules to adopt pertinent US FDA rules for bottled water quality.

Department of Environment and Natural Resources: Water Management Board – Amend Surface Water Quality rules by deleting the fecal coliform criteria from immersion recreation and limited contact recreation waters (this change will leave intact the United States Environmental Protection Agency's (USEPA) recommended Escherichia coli criteria) and add the USEPA's nonylphenol aquatic life criteria.

Department of Environment and Natural Resources: Water Management Board – Amend a Fences Crossing Navigable Streams rule to allow fences to be constructed without a gate across Firesteel Creek in Davison County.

Department of Social Services: Division of Child Protection Services – Amend Regulatory Administration rules to implement the reasonable and prudent parent standard to support normalcy for children in alternative care.

2:00 p.m. Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission. Copies may also be available at <https://rules.sd.gov/default.aspx>.

Members: Senator Mike Vehle (Chair); Representative Timothy Johns (Vice Chair); Senators Jim Bradford and Phyllis Heineman; and Representatives Peggy Gibson and Jean Hunhoff.

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